

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

239

CRR-1302-2019
Date of Decision: 23.04.2026

BAGHEL SINGH

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Himanshu Puri, Advocate for the petitioner.

H.S. Grewal, J.(Oral)

1. The present petition has been filed against the impugned judgment dated 05.09.2017 passed by Id. JMIC, Sangrur vide which the petitioner has been convicted and sentenced as under:-

Offence	Sentence Awarded
Under Section 420 IPC	To undergo RI for a period of two years
Under Section 465 IPC	To undergo RI for a period of two years
Under Section 467 IPC	To undergo RI for a period of two years
Under Section 468 IPC	To undergo RI for a period of two years
Under Section 471 IPC	To undergo RI for a period of two years

2. Aggrieved against the same, the petitioner preferred an appeal and the learned Additional Sessions Judge, Sangrur partly allowed the appeal by acquitting the petitioner of offences under Sections 420, 465, 467 and 468 IPC, but upheld his conviction under Section 471 IPC.

3. The case of the prosecution is that the complainant, Bank Manager Gian Chand, submitted an application stating that a person, claiming himself to be Baghel Singh, presented cheque No. 038683, undated, with blank columns



of “amount” and “payee,” purportedly drawn on Dharmpur Sugar Mills Limited, Bijnor (U.P.), for encashment. However, upon preliminary enquiry from PNB, Branch Bazan Kalan, Dharmpur, Bijnor (U.P.), it was revealed that the sugar mill had not issued any such blank cheques. Thereafter, the General Manager (Finance) of Dharmpur Sugar Mills also informed that no blank cheque had been issued by the company, and it appeared that the petitioner, in connivance with other accused, had presented the said cheque with an intention to defraud the bank.

4. Upon completion of investigation, challan under Section 173 Cr.P.C. was presented and charges under Sections 420, 465, 467, 468, 471 and 120-B IPC were framed against the petitioner and other accused, to which they pleaded not guilty and claimed trial.

5. In order to substantiate its case, the prosecution examined nine witnesses. Thereafter, statements of the accused under Section 313 Cr.P.C. were recorded, wherein they pleaded innocence and false implication.

6. Learned trial Court vide judgment dated 05.09.2017 convicted the petitioner under Sections 420, 465, 467, 468 and 471 IPC and sentenced him to undergo rigorous imprisonment for two years, while acquitting the co-accused namely Jaspal Singh, Gopal Dass and Mukesh Kumar and an appeal was filed against the judgment passed by ld. trial Court and the same was partly allowed by ld. Appellate Court.

7. Learned counsel for the petitioner contends that both the Courts below have failed to appreciate the evidence in its correct perspective. It is submitted that the entire prosecution case rests upon PW-5 Sajjan Ram, who has turned hostile and has not supported the prosecution version. He further

submits that a bare perusal of the cheque would reveal that although it bears the signature of one Gupta, it is prominently incomplete inasmuch as it does not specify any amount, either in figures or in words, nor does it mention any date, and such a cheque could not have been presented for encashment before the complainant bank.

8. Learned State counsel, on the other hand, supports the impugned judgments and submits that the conviction under Section 471 IPC has been rightly recorded by the lower Appellate Court. He has filed custody certificate in the Court today and the same is taken on record.

9. I have heard the submissions made by learned counsel for the parties and have perused the record.

10. Keeping in view the facts and circumstances of the case, and particularly the fact that the entire prosecution case rests upon the cheque allegedly presented for encashment, it is evident that if the said cheque is a forged document, no investigation has been conducted as to how such forgery came into existence. In these circumstances, the prosecution has failed to prove its case beyond reasonable doubt.

11. Accordingly, the petition is allowed and the impugned judgment dated 22.04.2019 passed by the learned Additional Sessions Judge, Sangrur, as well as the judgment dated 05.09.2017 passed by the learned JMIC, Sangrur, are hereby set aside. The petitioner is acquitted of the charges framed against him under Section 471 IPC. His bail bonds are discharged.

23.04.2026

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(H.S.GREWAL)
JUDGE

Whether speaking/reasoned

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Yes/No

Whether reportable

:

Yes/No